

### **REMARKS**

Claims 1-30, 39 and 40 remain pending in the present application. Claims 31-38 have been cancelled. Claims 1, 2, 4-6, 9-11, 13-17, 20, 21, 24-26 and 28-30 have been amended. Claims 39 and 40 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings as originally filed.

### **SPECIFICATION**

The abstract of the disclosure is objected to because it is redundant instead of being concise. Pursuant to MPEP 608.01(b) and 37 C.F.R. § 1.72(b), please delete the Abstract of the Disclosure currently of record in the above referenced application and replace it with the new Abstract of the Disclosure which is attached.

The specification is replete with terms which are not clear, concise and exact. The specification has been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 4, 5, 14, 16, 19, 20 and 29 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

As best can be understood in view of the indefiniteness of the claims, Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 1-153321 (of record). In each of amended Claims 1 and 16 of the present invention, the cooling heat exchanger cools air by using refrigerant of the refrigerant cycle, and the cold accumulator is disposed downstream from the cooling heat exchanger in the air passage in the air flow direction. In addition, a cold accumulating material is sealed in the cold accumulator independently from the refrigerant of the refrigerant cycle, and is cooled by the cold air which has been cooled in the cooling heat exchanger. However, in JP 1-153321, **refrigerant** from the evaporator (40) flows into the heat exchanger (68). That is, cold storage is preformed by the refrigerant from the evaporator of the refrigerant cycle. Therefore, it is completely different from the present invention in which the cold accumulating material which is sealed separately from the refrigerant is cooled only by the cold air from the cooling heat exchanger.

Thus, applicant believes Claims 1 and 16, as amended, patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

As best can be understood in view of the indefiniteness of the claims, Claims 1, 4, 5, 14, 19, 20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iritani in view of Kozinski. In each of amended Claims 1 and 16 of the present invention, the cooling heat exchanger cools air by using refrigerant of the refrigerant cycle, and the cold accumulator is disposed downstream from the cooling heat

exchanger in the air passage in the air flow direction. In addition, a cold accumulating material is sealed in the cold accumulator independently from the refrigerant of the refrigerant cycle, and is cooled by the cold air which has been cooled in the cooling heat exchanger. However, in JP 1-153321, refrigerant from the evaporator (40) flows into the heat exchanger (68). That is, cold storage is preformed by the refrigerant from the evaporator of the refrigerant cycle. Therefore, it is completely different from the present invention in which the cold accumulating material which is sealed separately from the refrigerant is cooled only by the cold air from the cooling heat exchanger. Here, the cold accumulator of the present invention is a cold storage unit, it is not a refrigerant accumulator of the refrigerant cycle. The Examiner considers the cold accumulator of the present invention as a general refrigerant accumulator of the refrigerant cycle. In the general refrigerant accumulator, surplus refrigerant in the refrigerant cycle from an evaporator is accumulated, and is separated into gas refrigerant and liquid refrigerant from each other. Further, gas refrigerant in the refrigerant accumulator is supplied to a compressor of the refrigerant cycle. However, in the present invention, the cold accumulating material sealed in the cold accumulator is sealed separately from the refrigerant of the refrigerant cycle, and is completely different from the refrigerant accumulator in the refrigerant cycle. Iritani teaches only the refrigerant accumulator (25) of the refrigerant cycle, and Kozinski also teaches a refrigerant accumulator integrated with an evaporator of a refrigerant cycle. The refrigerant accumulator integrated with the evaporator of Kozinski is disposed in the air passage. However, in Kozinski, the refrigerant accumulator communicates with the evaporator. That is, each of the Iritani and Kozinski does not teach or describe the cold accumulator in which the

cold accumulating material different from the refrigerant is cooled only by the cold air flowing the cooling heat exchanger.

Thus, applicant believes Claims 1 and 16, as amended, patentably distinguish over the art of record. Likewise, Claims 4, 5, 14, 19, 20 and 29 which ultimately depend from Claims 1 or 16 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### **NEW CLAIMS**

New Claims 39 and 40 are dependent claims which depend from Claims 1 and 16, respectfully, and are thus believed to be allowable. Applicant believes Claims 39 and 40 read on the elected species.

### **REJOINDER**

Applicant respectfully requests rejoinder of non-elected Claims 2, 3, 6-13, 15, 17, 18, 21-28 and 30.

CONCLUSION


It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

MARCH 26, 2003

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